

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

ROSALINN M. GIANG,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-22-112-D
)	
LOUIS DEJOY,)	
Postmaster General,)	
)	
DEFENDANT.)	

ORDER


Plaintiff was previously directed to show cause why this action should not be dismissed without prejudice for failure to effect service of process within 90 days after filing the complaint. *See* Order of Sept. 20, 2022 [Doc. No. 10]. After being granted an extension of time to respond, Plaintiff filed a response [Doc. No. 14] explaining the reasons for the delay. The Court determined that Plaintiff had not shown good cause for her failure to timely effect service, but granted Plaintiff a permissive extension of time in which to properly serve Defendant. *See* Order dated November 2, 2022 [Doc. No. 15]. Plaintiff subsequently filed three proofs of service and a notice. These documents aver that a Summons and a copy of the Complaint were served on Defendant DeJoy [Doc. No. 18], the United States Attorney for the District of Columbia [Doc. No. 19], and the United States Attorney General [Doc. No. 20].

Plaintiff, who is proceeding pro se, appears to be attempting to sue Mr. DeJoy, the United States Postmaster General, in his official capacity. Rule 4 of the Federal Rules of Civil Procedure provides that a party seeking to serve a United States officer in an official

capacity must serve the officer and serve the United States by delivering a copy of the summons and complaint “to the United States attorney for the district where the action is brought” and “to the Attorney General of the United States at Washington, D.C.” Fed. R. Civ. P. 4(i). Plaintiff’s filings indicate that she has attempted to serve Mr. DeJoy and the Attorney General, but do not indicate that she has served the United States attorney for the district where the action is brought. Thus, it appears that Plaintiff has still not properly served Defendant. However, Rule 4(i)(4)(A) provides that “[t]he court must allow a party a reasonable time to cure its failure to serve a person required to be served under Rule 4(i)(2), if the party has served either the United States attorney or the Attorney General of the United States.”

Accordingly, the Court grants Plaintiff 30 days from the date of this Order to complete proper service and to file proof of service with the Court. Plaintiff is further advised that her failure to complete proper service within this time limit will result in dismissal of this action without prejudice.

IT IS SO ORDERED this 6th day of February, 2023.



TIMOTHY D. DeGIUSTI
Chief United States District Judge